IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

NOTICE OF MOTION NO.26 OF 2005

IN

NOTICE NO.N/216 OF 2004

Re: Umesh H. Shah & Ors. ..Judgment Debtors.

Ex-parte:

The Greater Bombay

Co-op. Bank ..Judgment Creditor.

....

Mr.V.B.Ghorpade for the Judgment Debtors.

Mr.N.R.Sachdev for the Judgment Creditor.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

15th March, 2005.

P.C. :

The Insolvency Notice is dated 17th September, 2004. 35 days after service of the notice expired on 31st October, 2004 and 2nd November, 2004 respectively qua each of the Judgment Debtors. Insolvency Petition was filed on 25th January, 2005. The Notice of Motion was filed

after institution of the Petition only on 18th February, 2005. The Motion cannot be entertained at this stage. It is, however, open to the Applicant to urge all appropriate defences in response to the Petition. The Motion is accordingly dismissed.